United Nations A/67/288

General Assembly

Distr.: General
10 August 2012

Original: English

Sixty-seventh session
Item 70 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 7 of General Assembly resolution 65/207 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights. The report, which covers the period from December 2010 to September 2012, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen independent and autonomous Ombudsman, mediator and other national human rights institutions, as well as measures taken by Governments in this regard. It also includes information on support provided to such institutions at the international and regional levels; technical assistance provided jointly with United Nations agencies and programmes to Ombudsman, mediator and other national human rights institutions; and cooperation between national human rights institutions and regional and international mechanisms to promote and protect human rights. Information regarding the work of Ombudsman, mediator and other national human rights institutions in respect of specific thematic issues is also included. The report updates the reports of the Secretary-General to the General Assembly of 8 August 2011 (A/66/274) and to the Human Rights Council of 1 May 2012 (A/HRC/20/09).

* A/67/150.

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I. Introduction

1. The present report is submitted pursuant to paragraph 7 of General Assembly resolution 65/207 of 21 December 2010 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights.

2. In its resolution 65/207, the General Assembly reaffirmed its resolution 63/169 and recalled the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Assembly welcomed the rapidly growing interest in the creation of the Ombudsman, mediator and other national human rights institutions and recognized the role that these institutions can play, in accordance with their mandate, in support of domestic complaint resolution. It also stressed the important role that these institutions can play in advising Governments with respect to bringing national legislation and practices in line with international human rights obligations and recalled the role played by regional and international associations of such institutions in promoting cooperation and sharing best practices.

3. The General Assembly encouraged Member States to consider the creation or strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions and to develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of the Ombudsman, mediator and other national human rights institutions. It also encouraged the Ombudsman, mediator and other national human rights institutions to operate, as appropriate, in accordance with the Paris Principles and other relevant international instruments, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights. The Assembly encouraged the institutions to request their accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system.

II. Support by the Office of the United Nations High Commissioner for Human Rights for Ombudsman, mediator and other national human rights institutions

4. The Ombudsman, mediator and other national human rights institutions are essential partners of the Office of the United Nations High Commissioner for Human Rights (OHCHR). OHCHR accords high priority to assisting national partners, such as Ombudsman, mediator and other national human rights institutions, to strengthening their capacity and providing support for their establishment and effective functioning. Such institutions are part of a strong national protection system and have an important role in addressing core human rights concerns at the national level, ending impunity and ensuring accountability. They also ensure that international human rights norms and standards are respected at the country level. OHCHR therefore aims to establish and strengthen the Ombudsman, mediator and other national human rights institutions, with due regard to the Paris Principles.

5. OHCHR provides legal and technical assistance to ensure that Ombudsman, mediator and other national human rights institutions are established in compliance with the Paris Principles and that they work as credible and effective guarantors of human rights at the country level. OHCHR also assists the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its Subcommittee on Accreditation, as well as regional networks of national human rights institutions and regional and international associations of Ombudsmen. OHCHR supports the Ombudsman, mediator and other national human rights institutions to actively address core human rights concerns, contribute to the rule of law, fight impunity, contribute to transitional justice mechanisms and establish partnerships with other national stakeholders and civil society. OHCHR has also supported the institutions to increase their outreach at the international level, including by encouraging their participation in United Nations human rights mechanisms.

6. During the reporting period, OHCHR continued to provide support to Ombudsman, mediator and other national human rights institutions through the fellowship programme by which staff from institutions accredited by the International Coordinating Committee with A status are selected to work in OHCHR for a period of up to 12 months. OHCHR hosted fellows from the national human rights institutions of India, Mauritania, Mongolia, Morocco, Peru, the Philippines, Qatar and the United Kingdom of Great Britain and Northern Ireland.

A. Advisory services provided by the Office of the United Nations High Commissioner for Human Rights

7. During the reporting period, OHCHR facilitated awareness-raising activities and reviewed constitutional or legislative frameworks for new and existing institutions. It provided tailored advice on the nature, functions, powers and responsibilities of national human rights institutions and elaborated comparative analyses. Capacity needs assessment, project formulation and evaluation missions were also undertaken to assist in establishing new institutions and strengthening existing ones.

8. OHCHR continued to provide advice and assistance through its country and regional offices, human rights advisers and human rights components of United Nations peacekeeping operations, as well as through collaboration with United Nations agencies, funds and programmes, regional and subregional coordinating bodies of national human rights institutions and Ombudsman associations.

9. During the reporting period, OHCHR provided advice and assistance to the Governments and/or Ombudsman, mediator and other national human rights institutions of Angola, Argentina, Benin, Botswana, Burundi, Cameroon, the Central African Republic, Chad, Chile, the Comoros, the Congo, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Ecuador, Georgia, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Ireland, Kazakhstan, Kyrgyzstan, Kuwait, Lesotho, Liberia, Libya, Lithuania, Madagascar, Mali, Malaysia, Malawi, Mauritius, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Peru, the Republic of Moldova, the Russian Federation, Seychelles, South Africa, Tajikistan, Timor-Leste, Togo, Tunisia, Panama, Sierra Leone, South Sudan, Sudan, Uganda, United Arab Emirates, Uruguay, Yemen, Zambia and Zimbabwe, as well as Somaliland.

1. The Americas and the Caribbean

10. During the reporting period, the OHCHR Regional Offices for South and Central America, the country offices in Bolivia (Plurinational State of), Colombia, Guatemala and Mexico, the human rights advisers to the United Nations country teams in Ecuador, Honduras, and Paraguay and the human rights component of the United Nations Stabilization Mission in Haiti, continued to provide advice and assistance to the establishment and strengthening of Ombudsman, mediator and other national human rights institutions.

11. In 2011, the OHCHR Office for South America, in collaboration with Offices of the Ombudsman of Argentina and Peru, organized training sessions on the United Nations instruments and mechanisms for indigenous peoples. The purpose of these activities was to build participants' capacity with respect to the use of international instruments and mechanisms on the rights of indigenous peoples.

12. In February 2011, the OHCHR Regional Office for South America held a workshop on human rights indicators for the staff members of the Office of the Ombudsman of Peru. The workshop focused on economic, social and cultural rights, in particular the rights to education, health and social security.

13. During the reporting period, OHCHR continued to provide assistance and support to the establishment of the national human rights institution in Uruguay. Several meetings were held with parliamentarians, Government officials and representatives of civil society organizations to promote the establishment of the institution in Uruguay. On 22 June 2012, the institution was inaugurated and the five members of its Board of Directors were officially designated.

14. In Chile, the OHCHR Office for South America participated in August 2011 in a round table, with various national actors, on the importance of the establishment of a Paris Principle-compliant national human rights institution. The round table was organized by the non-governmental organization Chilean Ombudsman Chapter, which aims at raising awareness about the need to create an Ombudsman in the country. On 20 May 2012, OHCHR conducted a half-day training for the Directors of the National Institute of Human Rights of Chile on reporting to the United Nations treaty bodies. The training included various good practices in the preparation of national and alternative reports and aimed at increasing knowledge and the capacity of the National Institute of Human Rights to report to the treaty bodies.

15. Since October 2010, the OHCHR Office in Colombia has been carrying out an analysis of the Office of the Ombudsman in Colombia, with a view to identifying the priorities, needs and challenges for the strengthening of the institution. The analysis will culminate in a report to the Ombudsman, with a special attention given to the mandate of the institution.

16. The OHCHR Office in Guatemala closely followed the selection and appointment process of a new Ombudsman in the spring of 2012 and participated in a public event to raising awareness on international standards with regard to the selection and appointment process of the Ombudsman. On 31 May 2012, the Congress appointed a new Ombudsman, who will assume office on 20 August 2012.

17. The OHCHR Office in Guatemala carried out capacity-building activities for the staff of the Office of the Ombudsman on the mandate and functions of national

preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

18. OHCHR, in cooperation with the Organisation international de la Francophonie, assisted in strengthening the capacity-building activities of the Office de la protection du citoyen et de la citoyenne in Haiti by continuing to provide a consultant to the Office. With the assistance of the consultant, the law revising the status of the Office de la protection du citoyen et de la citoyenne was prepared and submitted to the Parliament. It was adopted by the National Assembly and the Senate on 27 March and 3 May 2012, respectively.

19. In August 2011, OHCHR participated in the sixty-third Annual Conference of the International Association of Official Human Rights Agencies, held in Austin, Texas. Through its participation in the conference, OHCHR aimed at raising awareness regarding the Paris Principles and providing advice on existing practices of interaction between non-accredited national human rights institutions and the international human rights system.

2. Africa

20. During the reporting period, OHCHR Regional Offices for Central Africa, East Africa, Southern Africa and West Africa, the country offices in Togo and Uganda; the human rights advisers to the United Nations country teams in Guinea, Kenya, Madagascar, Niger and Rwanda, as well as those in the Great Lakes region, and the human rights components of the United Nations missions in Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sierra Leone, Somalia and South Sudan, continued to provide advice and assistance to the establishment and strengthening of Ombudsman, mediator and other national human rights institutions in Africa.

21. In 2011, the OHCHR Regional Office for Southern Africa established contact with the Angolan authorities, including the Ombudsman, and explored the value of the Paris Principles in strengthening the existing human rights protection system in Angola.

22. During the reporting period, the OHCHR Office for Southern Africa engaged with the Government officials, members of Parliament and civil society organizations on the establishment of a national human rights institution in the Comoros. In November 2011, the law on the establishment of a national human rights institution was adopted by the Parliament, and the promulgation by the President is expected in 2012 (see A/HRC/20/9, para. 23).

23. OHCHR provided assistance in the development of a draft law to establish a national human rights institution in Lesotho. In the draft law it is proposed that the existing Ombudsman be included within the national human rights institution framework.

24. Since July 2011, following the violent demonstration that took place in Malawi, OHCHR and the Malawi Human Rights Commission are working together to monitor the human rights situation in the country. In May 2012, the former Chair of the Commission received threats and was arbitrarily arrested by the Government, following the public release of a report by the Commission on human rights violations in the country. OHCHR monitored the personal security of the then Chair by working closely with special procedures mandate holders.

25. During the reporting period, OHCHR worked closely with the United Nations Development Programme (UNDP) and the Ministry of Justice of Mozambique on the establishment of a national human rights institution. OHCHR closely followed the selection process of the commissioners, whose final appointment is still pending (see A/HRC/20/9, para. 24).

26. The OHCHR Office for Southern Africa has cooperated extensively with the Ombudsman of Namibia on the advancement of human rights at the national and regional levels.

27. OHCHR and the South African Human Rights Commission have established a task team to monitor the implementation of a project aimed at strengthening the Commission's capacity to address human rights issues related to non-nationals and combating discrimination. This cooperation includes monitoring places of immigration detention, and carrying out community outreach and capacity-building initiatives to prevent xenophobic activities in South Africa (see A/HRC/20/9, para. 21).

28. In March 2011, the OHCHR Office for Southern Africa, during a mission to Seychelles, provided information to the national human rights institution with regard to the accreditation process before the International Coordinating Committee.

29. OHCHR continued to support the efforts of the Human Rights Commission in Zimbabwe to promote the adoption of enabling legislation in compliance with the Paris Principles. The bill was adopted by Parliament in July 2012 and is currently pending before the President for promulgation.

30. The United Nations Integrated Peacebuilding Office in Sierra Leone and OHCHR continued to support the work of the Human Rights Commission in Sierra Leone by providing training to the appointed commissioners and assisting the Commission to effectively implement its core mandate by creating a Directorate of Monitoring and Research and supporting the implementation of its quasi-jurisdictional mandate.

31. The United Nations Mission in South Sudan and OHCHR continued to assist the South Sudan Human Rights Commission through the provision of a consultant, who elaborated a three-year strategic plan and a workplan for 2012, which was launched by the Vice-President of the Republic. During her visit to South Sudan, in May 2012, the United Nations High Commissioner for Human Rights met with the Commission and encouraged it to apply to the International Coordinating Committee for accreditation.

32. In May 2012, OHCHR held a meeting in Geneva with some of the newly appointed commissioners of the Sudan Human Rights Commission and provided them with substantive materials to enable the operationalization of the Commission.

33. During the reporting period, OHCHR provided technical advice and assistance to the newly established human rights commission in Somaliland to create institutional structures that would enable it to carry out its legal functions and to build the capacity of its commissioners and staff.

34. In collaboration with the United Nations Operation in Côte d'Ivoire, OHCHR provided legal advice on the draft legislation to amend the founding legislation of the National Human Rights Commission.

35. During the reporting period, the OHCHR Office in Guinea organized consultations with the Guinean authorities and other national stakeholders to raise awareness on the establishment of a national human rights institution in compliance with the Paris Principles.

36. During the reporting period, OHCHR strengthened the capacity of the national human rights institution in Guinea-Bissau by providing technical support to the reformulation of its legislation in order to adapt it to the Paris Principles, and also provided information on the accreditation process.

37. Since June 2011, OHCHR has supported the operational and capacity-building efforts of the Independent National Human Rights Commission in Burundi. OHCHR assisted the Commission in developing its three-year strategic plan of action and provided technical support to the Commission in preparation for its accreditation review by the International Coordinating Committee, which is scheduled for November 2012.

38. In June 2012, OHCHR and the Francophone Association of National Human Rights Commissions carried out a joint mission to Benin to assist the authorities in establishing a national human rights institution in line with the Paris Principles. Following consultations with a broad range of stakeholders, including State authorities, members of Parliament, civil society organizations and United Nations agencies, the Government committed itself to considering the bill on the national human rights commission.

39. In July 2012, OHCHR and the Organisation international de la francophonie contributed to the organization of national consultations between the public authorities and civil society in the Democratic Republic of the Congo, during which the establishment of a national human rights commission was also discussed.

40. OHCHR provided technical support in the process of establishing the National Human Rights Commission in Niger. As a result, on 10 May 2012, the Parliament of Niger adopted the law establishing the Commission, which incorporates the legal advice provided by OHCHR.

41. During the reporting period, the OHCHR Office in Uganda continued to provide the Human Rights Commission with technical and financial support in the areas of capacity-building, human rights monitoring, reporting and investigations, including prison monitoring. OHCHR, together with the Network of African National Human Rights Institutions, also supported an assessment of the capacity gaps of the Commission in March 2012, which resulted in recommendations concerning how to strengthen its institutional capacity, mandate and functions.

42. In February 2012, the National Human Rights Commission of Togo published a report on torture that confirmed the responsibility of high-ranking security services officials. The findings were challenged by the Government, and the Commission was put in a vulnerable position. OHCHR closely followed the situation and assisted in addressing the controversy around the report.

43. In May 2012, OHCHR provided legal advice to the Government of Chad as an update to previous legal advice provided in 2010, as the Government reinitiated a process to strengthen the National Human Rights Commission.

44. At the request of the National Commission on Human Rights and Freedoms of Cameroon, in July 2011 OHCHR conducted a gap analysis with a focus on the

institution's capacity to handle complaints of alleged human rights violations. The resulting analytical report identified shortcomings in the Commission's effectiveness to discharge its functions, and provided recommendations in this regard.

3. Asia and the Pacific

45. During the reporting period, the OHCHR Regional Offices for South-East Asia and the Pacific, the country offices in Nepal and Cambodia, the human rights advisers to the United Nations country teams in Papua New Guinea and Sri Lanka, and the human rights components of the United Nations Assistance Mission in Afghanistan and the United Nations Integrated Mission in Timor-Leste continued to provide advice and assistance to the establishment and strengthening of Ombudsman, mediator and other national human rights institutions in Asia and the Pacific.

46. In September 2011, a national human rights institution was established by presidential decree in Myanmar. An enabling law is in the process of being drafted, which will provide the new institution with a statutory basis. OHCHR has provided legal advice and guidance in the drafting process in order to ensure that the new law complies with the Paris Principles.

47. In December 2011, the National Assembly of Pakistan adopted a law to establish a national human rights institution following years of advocacy from national organizations, with advice and support provided by OHCHR and regional and international organizations.

48. OHCHR and the United Nations Integrated Mission in Timor-Leste continued to provide technical support to the Ombudsman in Timor-Leste, in particular on monitoring of detention facilities and the rights of detainees, which is a priority area for the institution. Support was also provided to the Office of the Ombudsman to establish monitoring guidelines and tools, as well as to train staff members in collecting information and monitoring the respect of human rights during the elections.

49. Since October 2011, OHCHR, together with the Asia-Pacific Forum of National Human Rights Institutions, has been following the next steps towards establishing a national human rights institution in Samoa. The Government of Samoa is considering the strengthening and expansion of the Ombudsman's mandate to include the protection and promotion of all human rights.

50. During the period under review, OHCHR, UNDP and the Asia-Pacific Forum of National Human Rights Institutions conducted a capacity assessment of the Commission on Human Rights in Sri Lanka (February 2012), the Human Rights Commission of Australia (April/May 2012) and the Human Rights Commission of the Philippines (July 2012) with a view to identifying capacity gaps and strengthening effectiveness.

4. Europe and Central Asia

51. During the reporting period, the OHCHR Regional Offices for Europe and Central Asia, the office in Kosovo, the human rights advisers in Albania, the Republic of Moldova, the Russian Federation, Serbia, South Caucasus, Tajikistan and the former Yugoslav Republic of Macedonia, and the human rights adviser of

the United Nations Regional Centre for Preventive Diplomacy for Central Asia in Turkmenistan, have continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in Europe and Central Asia.

52. In 2011, OHCHR advocated for the adoption of a new law on the Ombudsman in Kazakhstan to encourage greater compliance with the Paris Principles. In September 2011, OHCHR supported the participation of the Ombudsman institution in the sixteenth Annual Meeting and Biennial Conference of the Asia-Pacific Forum of National Human Rights Institutions (see A/HRC/20/9, para. 57).

53. During the reporting period, OHCHR provided support and assistance to the Ombudsman offices in Kyrgyzstan and Tajikistan. Following a workshop on the Paris Principles conducted in Tajikistan in October 2011, the Ombudsmen of Tajikistan, Kyrgyzstan and Kazakhstan applied for accreditation to the International Coordinating Committee in March 2012.

54. Further to the visit in February 2011 of the United Nations High Commissioner for Human Rights to the Russian Federation, where she participated in the Annual Meeting of the Coordination Council of Subnational Ombudsmen, cooperation between OHCHR and the Federal Human Rights Commissioner and subnational Ombudsmen has been strengthened through regular working consultations and systematic dissemination of OHCHR publications to the subnational Ombudsmen in 63 regions of the Russian Federation. In May 2012, OHCHR carried out a workshop for the federal and subnational Ombudsmen on strengthening their interaction with United Nations human rights mechanisms. The workshop was instrumental in sensitizing the audience concerning the role of the Ombudsman in supporting the engagement of the Government with the human rights mechanisms, based on the Paris Principles and good practices of national human rights institutions in federal states. As a result, a joint plan of activities was adopted, aimed at increasing awareness and strengthening the capacities of the subnational Ombudsmen to promote follow-up to recommendations of treaty bodies, special procedures and the universal periodic review and at facilitating their engagement with human rights mechanisms.

55. A draft law on the amendment of the Law on the Seimas Ombudsmen was developed by the Government of Lithuania, following comments provided by OHCHR in July 2011 on the existing law. The Government has requested legal advice on the new draft legislation. Some of the previous comments provided by OHCHR have been incorporated in the new draft law, in particular those related to the broad mandate for promotion and protection of all human rights and the interaction with civil society organizations.

56. During the reporting period, OHCHR continued to support the process of creating a new Human Rights and Equality Commission in Ireland. In December 2011, OHCHR provided a technical note with advice on the merging of the Irish Human Rights Commission with the Irish Equality Authority. In July 2012, upon request from the Minister of Justice, Equality and Defence, OHCHR provided legal advice on the establishment of the new Irish Human Rights and Equality Commission in order to ensure compliance with the Paris Principles.

57. From 25 to 27 July 2012, OHCHR participated in a meeting on national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment organized

by UNDP and the Centre for Human Rights of the Republic of Moldova, in Chisinau. OHCHR gave a presentation on how the Centre could be strengthened to ensure compliance with the Paris Principles and better fulfil its role as a national preventive mechanism.

5. Middle East and North Africa

58. During the reporting period, the OHCHR Regional Office for the Middle East and North Africa, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, the OHCHR offices in Mauritania and the Occupied Palestinian Territory and the human rights components of the United Nation Assistance Mission for Iraq, continued to provide advice and assistance to the establishment and strengthening of Ombudsman, mediator and other national human rights institutions in the Middle East and North Africa.

59. During the reporting period, OHCHR provided legal advice on draft legislation on national human rights institutions in Libya, Kuwait, Tunisia, the United Arab Emirates and Yemen (see A/HRC/20/9, para. 40).

60. OHCHR has been working with the Commission on Human Rights of Oman by providing technical advice to ensure its compliance with international standards. In March 2012, OHCHR attended a seminar in Muscat organized by the Commission on Human Rights of Oman, at which it presented the Paris Principles and discussed how national human rights institutions could engage with the international human rights system.

B. Support by the Office of the United Nations High Commissioner for Human Rights to regional initiatives of the Ombudsman, mediator and other national human rights institutions

1. The Americas and the Caribbean

61. In November 2011, OHCHR supported the organization of and participated in the tenth Annual Meeting of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, held in Antigua, Guatemala. A regional workshop was also held on business and human rights, which led to the adoption of a regional plan of action for the implementation of the Edinburgh Declaration on Business and Human Rights (see A/HRC/20/9, para. 49). The plan of action was presented at the twenty-fifth Annual Meeting of the International Coordinating Committee.

2. Africa

62. In October 2011, OHCHR participated in the Biennial Conference of the Network of African National Human Rights Institutions in Cape Town, South Africa, on the role of national human rights institutions in addressing the rights of older persons and persons with disabilities. A declaration was adopted at the end of the Conference (see A/HRC/20/9, para. 51).

63. In January 2012, OHCHR organized a capacity-building workshop in Brazzaville for members and staff of the national human rights institutions in Burundi, Cameroon, the Central African Republic, the Congo, the Democratic

Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe (see A/HRC/20/9, para. 53).

64. The OHCHR country office in Togo hosted the seventh consultative meeting of the Heads of United Nations Human Rights Field Presences in West Africa in Lomé, from 16 to 18 May 2012. The meeting examined the situation of human rights in the subregion and held discussions on priority themes, including human rights in electoral processes, with particular attention to the role and responsibility of human rights non-governmental organizations. It also explored technical support to national human rights institutions in the region.

65. In October 2011, OHCHR and the Network of African National Human Rights Institutions organized a regional workshop on business and human rights in Yaoundé. A regional action plan was adopted for the implementation of the Edinburgh Declaration. The plan was presented at the twenty-fifth Annual Meeting of the International Coordinating Committee.

3. Asia and the Pacific

66. In October 2011, OHCHR participated in the Regional Conference on Business and Human Rights in Seoul, which was co-hosted by the Asia-Pacific Forum of National Human Rights Institutions and the National Human Rights Commission of the Republic of Korea, in follow up to the Edinburgh Declaration on Business and Human Rights. A regional action plan on the implementation of the Declaration was adopted. The plan was presented at the twenty-fifth Annual Meeting of the International Coordinating Committee.

4. Europe and Central Asia

67. During the reporting period, OHCHR provided technical and financial assistance for the establishment of the Permanent Secretariat for the European Group of National Human Rights Institutions. In April 2012, a grant agreement was signed between OHCHR and the Chair of the European Group that will provide for the recruitment of a Director for the Permanent Secretariat.

5. Middle East and North Africa

68. OHCHR participated in a seminar on strengthening the capacities of national human rights institutions in conflict and post-conflict situations in North Africa, organized jointly by the Egyptian National Council for Human Rights, Bristol University and the Network of African National Human Rights Institutions in Cairo in December 2011.

C. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

1. Subcommittee on Accreditation

69. OHCHR provided secretarial support to the meetings of the Subcommittee on Accreditation held in Geneva in May and October 2011.

70. OHCHR also provided secretarial support to the meeting of the Subcommittee on Accreditation in March 2012. During that meeting, the Subcommittee considered

five new applications for accreditation.[1] The Commissioner for Human Rights of Kazakhstan, the Ombudsman of Kyrgyzstan, the National Human Rights Commission of Mali and the Human Rights Ombudsman of Tajikistan were accredited B status. The accreditation decision for the Ombudsman of Bermuda was deferred to the next meeting of the Subcommittee.

71. The Subcommittee on Accreditation reviewed the accreditation status (applications for re-accreditation) of nine national human rights institutions, in Bolivia (Plurinational State of), Burkina Faso, Colombia, Indonesia, Malawi, Peru, the Philippines, Rwanda and Slovakia. The Ombudsman institutions of Bolivia, Colombia and Peru and the national human rights institutions of Indonesia and the Philippines were re-accredited with A status. The accreditation decision for the Human Rights Commission of Malawi was deferred to the next meeting. The accreditation of the national human rights institutions of Burkina Faso and Slovakia has lapsed. The Subcommittee recommended that the National Human Rights Commission of Rwanda be downgraded to B status; it has been given the opportunity to provide in writing, within one year, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The Human Rights Commissioner of Azerbaijan was re-accredited A status, following a special review of its accreditation status.

2. Twenty-fifth annual meeting

72. In its capacity as secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, OHCHR provided support to and facilitated the twenty-fifth Annual Meeting of the Committee, held in Geneva from 20 to 22 March 2012.

73. The meeting was attended by representatives of Ombudsman and national human rights institutions, as well as by international associations, such as the Association francophone des commissions nationales de promotion et de protection des droits de l'homme, the Commonwealth Association of National Human Rights Institutions, intergovernmental organizations and non-governmental organizations.

74. At its twenty-fifth Annual Meeting, the International Coordinating Committee considered the following thematic priorities: (a) indigenous peoples' rights; (b) transitional justice; (c) strengthening human rights monitoring at the national level; (d) follow-up to the universal periodic review; and (e) environment and the right to development (see A/HRC/20/9, para. 63).

3. Bureau meeting

75. OHCHR provided secretarial and technical support to the meeting of the Bureau of the International Coordinating Committee, held in Geneva on 19 and 20 March 2012. Bureau members discussed strategic priorities, including the International Coordinating Committee's engagement with Ombudsman institutions. It also identified, as a priority, engagement with all United Nations human rights mechanisms, including the Commission on the Status of Women, the Permanent Forum on the Rights of Indigenous Peoples, the Open-ended Working Group on

[1] A chart showing the status of national human rights institutions is available from http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf.

Ageing, and the Conference of States Parties to the Convention on the Rights of Persons with Disabilities.

III. Cooperation among United Nations human rights mechanisms and Ombudsman, mediator and other national human rights institutions

A. Human Rights Council

76. In 2011, an average of 21 national human rights institutions, including Ombudsman institutions, participated in each of the Human Rights Council sessions (see A/HRC/20/9, para. 69).

77. During the nineteenth and twentieth sessions of the Human Rights Council, national human rights institutions, including Ombudsmen, were active before and during the sessions, presenting statements, submitting written documentation and participating in general debates.

78. At its nineteenth session, the Human Rights Council adopted decision 19/119, which gives the opportunity to national human rights institutions accredited with A status by the International Coordinating Committee to participate in Human Rights Council sessions through video messaging. In this regard, during the nineteenth session, the Ombudsmen from Georgia and Timor-Leste and the South African Human Rights Commission made video statements following the presentation of the reports by the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention, and the Special Rapporteur on the right to food. At the twentieth session of the Human Rights Council, the Ombudsmen of Serbia and Timor-Leste made video statements following the presentation of the country mission report of the Special Rapporteur on extreme poverty and human rights and during the general debate on the follow-up and implementation of the Vienna Declaration and Programme of Action.

1. Universal periodic review

79. In 2011, 49 States were reviewed under the universal periodic review, for which 18 national human rights institutions, including Ombudsmen, submitted information for the stakeholders' report.[2] Upon request, OHCHR assisted the institutions of Nepal, Sierra Leone, Timor-Leste and the United Republic of Tanzania in submitting information for the review and participating in the relevant sessions of the Council.

80. During the thirteenth Working Group session of the universal periodic review, 14 States were reviewed. The national human rights institutions from Ecuador, Finland, India, Indonesia, Morocco, the Netherlands, the Philippines, South Africa, Tunisia and the United Kingdom and the Ombudsman from Algeria submitted information for the stakeholders' report.

[2] The national human rights institutions of Austria, Australia, Denmark, Georgia, Greece, Ireland, Namibia, Nepal, Paraguay, the Republic of Moldova, Sierra Leone, Thailand, Timor-Leste, Togo, Sierra Leone, Uganda, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zimbabwe.

2. Special procedures

81. The national human rights institutions from Scotland and South Africa, together with the representative of the International Coordinating Committee in Geneva, participated in the first meeting for an exchange of views between special procedures mandate holders and national human rights institutions, held on 14 June 2012 in Geneva. At the meeting, it was recommended that methodologies and tools for cooperation between special procedures mandate holders and national human rights institutions be developed, including mutual follow-up to recommendations.

B. Treaty bodies

82. OHCHR continued to support the participation of national human rights institutions, including Ombudsman institutions, in meetings of treaty bodies. OHCHR provides written and oral briefings to treaty bodies on the status of national human rights institutions in the countries they consider, and regularly updates a compilation of all concluding observations and recommendations of treaty bodies on national human rights institutions.[3]

C. Commission on the Status of Women

83. The national human rights institutions of Australia, Jordan, Mexico, Morocco, Qatar and the Republic of Korea attended the fifty-sixth session of the Commission on the Status of Women, held in New York from 27 February to 9 March 2012. The national human rights institutions continue to advocate for their independent participation in this global policymaking body.

IV. Cooperation among the Office of the United Nations High Commissioner for Human Rights, United Nations agencies and programmes and international and regional organizations of Ombudsman, mediator and other national human rights institutions

A. United Nations Development Programme

84. Engagement with national human rights institutions is a priority area for OHCHR and UNDP, which have both been increasingly involved in the establishment and strengthening of such institutions. UNDP is supporting national human rights institutions, including Ombudsman institutions, in over 90 States through various systematic and institutionalized capacity-development initiatives that aim at creating an enabling environment for national human rights institutions to fulfil their functions, including through identifying human rights and development trends and synergies.

85. The second annual strategic partnership review of UNDP, OHCHR and the International Coordinating Committee was held on 9 July 2012 in New York. During

[3] Available from http://nhri.ohchr.org.

the meeting it was emphasized that one of the objectives of the partnership was to strengthen and support regional networks through joint capacity-building activities. UNDP also highlighted that strengthening the institutional capacity of national human rights institutions through capacity assessment remains a priority for the Programme.

B. Arab-European Human Rights Dialogue

86. In May 2011, OHCHR participated in the sixth High-level meeting of the Arab-European Human Rights Dialogue organized by the German Institute for Human Rights and the Federal Ministry of Foreign Affairs of Germany in Berlin. A declaration was adopted at the end of the meeting that emphasized the critical role that national human rights institutions play in combating torture and ensuring the rule of law.

C. International Ombudsman Institute

87. As part of the cooperation among the International Ombudsman Institute, OHCHR and the International Coordinating Committee, the Secretary-General of the International Ombudsman Institute participated at the twenty-fourth Annual Meeting of the International Coordinating Committee in May 2011 and emphasized the role that Ombudsman institutions can play in monitoring the implementation of the recommendations of the universal periodic review.

D. Ibero-American Federation of the Ombudsman

88. In June 2011, OHCHR participated in the annual meeting of the Ibero-American Federation of the Ombudsman in Alcala de Henares, Spain. Ombudsman institutions from Latin America, Spain and Portugal attending the meeting discussed current and future challenges for Ombudsmen in promoting and protecting human rights; the Millennium Development Goals and Ombudsmen; and the role of Ombudsmen in the implementation of economic, social and cultural rights. The discussions and outcomes of the conference were compiled in a publication, which will be distributed among participants.

E. Commonwealth Forum of National Human Rights Institutions

89. In March 2011, OHCHR, in cooperation with the Commonwealth Secretariat, organized a regional workshop for the Caribbean region on the establishment of national human rights institutions in accordance with the Paris Principles. The workshop took place in Port of Spain and aimed at promoting the establishment and/or the strengthening of national human rights institutions. Parliamentarians, Ombudsman institutions and Government officials, including attorney generals from 12 English-speaking Caribbean States, attended the workshop (see A/66/274, para. 48).

V. Support provided by the Office of the United Nations High Commissioner for Human Rights for Ombudsman, mediator and other national human rights institutions on thematic issues

90. In February 2012, OHCHR, in collaboration with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the National Assembly of Serbia and the Protector of Citizens of Serbia, with the support of the United Nations country team, organized an international expert seminar in Belgrade on the relationship between national human rights institutions and parliaments. The seminar brought together representatives of national human rights institutions, including Ombudsmen, parliaments and scholars from all over the world to discuss ways to strengthen cooperation between national human rights institutions and parliaments. The participants adopted the Belgrade principles on the relationship between national human rights institutions and parliaments, which underline the need to identify areas for strengthened interaction between national human rights institutions and parliaments, bearing in mind that the different models of national human rights institutions, including Ombudsmen, should be respected (see A/HRC/20/9, para. 67 and annex).

91. In 2011, OHCHR undertook a study on the functioning of national and subnational human rights institutions in federal States, including their structures, appointment and selection procedures for members, information and knowledge management, case handling, relationships with federal and local authorities, and funding mechanisms, as well as territorial coverage of their working methods. The study, which will be published in 2012, will provide an opportunity for cooperation between OHCHR and other United Nations agencies, particularly when providing assistance to the establishment and strengthening of national human rights institutions in federal States.

VI. Conclusions

92. **When in compliance with the Paris Principles, Ombudsman, mediator and other national human rights institutions play an important role in ensuring Government accountability and strengthening the rule of law. They can also ensure the effective implementation of the State's obligations under international human rights law by providing advice to the Government, parliament and any other competent body on bringing national legislation, practices and policies in line with international human rights norms and principles.**

93. **Cooperation among regional and international associations of Ombudsmen, mediators and other national human rights institutions, including the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and the United Nations human rights mechanisms, enhances the sharing of best practices, with the result that current human rights challenges are addressed in a more effective manner and international norms are included in national legislation and practices.**

94. **The growing interest of national human rights institutions, including Ombudsmen, in applying for accreditation to the International Coordinating Committee is welcome. Accredited Ombudsman and national human rights institutions are encouraged to advocate with their Governments for the implementation of the recommendations made by the International Coordinating Committee in order to be in full compliance with the Paris Principles.**

95. **Ombudsman, mediator and other national human rights institutions are encouraged to make use of the standards enumerated in international instruments, in particular the Paris Principles, to support their independence and integrity and increase their capacity to act as promotion and protection mechanisms at the national level. Such institutions should be vested with a broad mandate to protect and promote all human rights.**

96. **The Paris Principles state that national institutions should maintain consultations with other bodies responsible for the promotion and protection of human rights. Therefore, in States where more than one national institution with human rights responsibilities exist, those institutions are encouraged to develop strong cooperation in order to better ensure the realization of human rights at the national level.**

97. **Ombudsman, mediator and other national human rights institutions are encouraged to engage with all United Nations human rights mechanisms, in particular the human rights treaty bodies and the Human Rights Council, including in special procedures and the universal periodic review, and to engage with regional human rights mechanisms.**

98. **Parliaments have an important role to play in promoting and protecting human rights. In particular, a constructive relationship between independent national human rights institutions, including Ombudsmen, and parliaments can make an invaluable contribution to the promotion and protection of human rights at the national level. In this regard, the adoption of the Belgrade principles on the relationship between national human rights institutions and parliaments is welcomed, and the dissemination and implementation of these principles is encouraged.**

99. **Independence and autonomy are fundamental requirements in order for national human rights institutions to be legitimate and credible. States are encouraged to create an enabling environment for national human rights institutions to discharge their mandates effectively and independently without fear or intimidation. States are therefore urged to grant immunity to members of national human rights institutions for actions taken in their official capacity and to ensure that such immunity is respected.**